



Department of Planning,  
Lands and Heritage



# Draft Position Statement:

## Container Deposit Scheme Infrastructure

December 2018

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Gordon Stephenson House  
140 William Street  
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Locked Bag 2506  
Perth WA 6001

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website: [www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)  
email: [info@dplh.wa.gov.au](mailto:info@dplh.wa.gov.au)

tel: 08 6551 8002  
fax: 08 6551 9001  
National Relay Service: 13 36 77  
This document is available in alternative  
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## 1. Purpose

This position statement outlines how container deposit scheme infrastructure should be considered and assessed in the Western Australian planning system.

## 2. Background

The Western Australian Government is implementing a Container Deposit Scheme (CDS) to complement existing kerbside recycling services. The CDS provides for a refund to be paid to any person who returns an eligible beverage container through the scheme. The CDS operates by the return of containers via various container return points. In the context of the position statement, the return points are referred to as CDS infrastructure. The scheme is not intended to collect normal household waste.

The role of planning in the implementation of the CDS is to ensure that the infrastructure required to facilitate the scheme is established in appropriate locations.

## 3. Application of this policy

This position statement applies across Western Australia to all CDS infrastructure.

## 4. Policy objectives

This position statement seeks to achieve the following objectives:

- ensure a coordinated approach to the provision of CDS infrastructure throughout WA
- ensure that appropriate locations are chosen for the installation of CDS infrastructure
- ensure the timely roll out of infrastructure in support of the scheme's establishment and ongoing operational needs
- establish minimum development requirements to exempt certain CDS infrastructure from requiring planning approval, for adoption by local governments.

## 5. Container Deposit Scheme infrastructure

There are broadly four types of CDS infrastructure to facilitate the return of containers in WA. These are:

**Container collection cages:** This infrastructure comprises a cage which containers are placed in and stored for collection. These cages will generally be donation points, rather than refund points. They may be located in association with schools, sporting or other clubs or not-for-profit organisations. Individuals will deposit the containers into the collection cages and the receiving organisation will arrange collection of the containers and receive the refund as a donation to their organisation.

**In shop / over-the-counter / bag drop return points:** This infrastructure incorporates the use of a new or existing retail outlet or shop where participants can deposit individual containers or bags of containers that are collected and returned to a retailer on behalf of the scheme, with a refund given to the participant. This infrastructure will typically be located within existing commercial areas.

**Reverse vending machines:** These are permanently-located, unattended facilities that accept the return of empty beverage containers in exchange for a refund.

Reverse vending machines come in various sizes. Small reverse vending machines are a similar size to 'traditional' food and drink vending machines, and can be located in shopping centres, train stations or other public places where people are likely to return one or two containers at a time.

Large reverse vending machines are generally mounted onto a storage structure similar to a sea container. The location of this form of infrastructure may vary, but they could be placed within existing commercial or industrial premises. These machines allow for greater volume of returns and it is likely that participants would travel to these sites with a variety of eligible containers.

**Large-scale facilities:** These include uses such as resource recovery centres, waste storage facilities and other industrial uses that are defined under the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations), as well as other definitions included in existing local planning schemes. Existing facilities may be expanded for uses associated with the CDS, or new large-scale facilities established.

## 6. Assessing CDS infrastructure

### *Whether a proposal comprises "development"*

Generally, CDS infrastructure will be ancillary to an existing use of a lot. For example, a reverse vending machine in a supermarket would be ancillary to the use of the land as a shop, as would be an over the counter or bag drop return point.

Development approval may be required to install infrastructure outside an existing building, or where the conditions of an existing approval can no longer be met (e.g. number of car bays, hours of operation, changes to the location or size of storage facilities).

If approval is required for CDS infrastructure, it should be assessed in accordance with the provision of Parts 7 and 8 of the deemed provisions in Schedule 2 of the Regulations.

### *Pre-lodgement consultation*

Proponents seeking to install CDS infrastructure should engage with the relevant local government(s) as part of the site selection process. This early engagement will allow local government to assess if the site being proposed is appropriate, and how it might relate to the CDS network more broadly as well as servicing considerations. The matters

outlined below should be considered when determining if a location is appropriate for CDS infrastructure.

### **Assessment considerations**

#### **Container collection cages**

Where collection cages are located in association with a school, sporting or other club, and on land which is managed by State or local government, the collection cage will be ancillary to the main use of the site. As such, the collection cage is likely to fall under the public works exemptions which generally apply to local and State Government developments, under the *Planning and Development Act 2005*, the Metropolitan, Peel and Greater Bunbury Region Schemes and local planning schemes.

The management of these collection cages should be included in any leasing or other operational arrangements that are in place to manage the use of these buildings and land.

Where collection cages are sought to be located on private land they should be subject to the same requirements as reverse vending machines identified by this position statement.

#### **In shop / over-the-counter / bag drop return points**

The CDS is, in essence, the return of containers that were purchased from a shop. The transaction is the same as any other transaction that occurs in a shop except in reverse, with the customer bringing goods to the shop and leaving without goods.

The operations, including access, parking requirements and the need for service vehicles to access the return points, are identical to that of a shop. On this basis, return points should be assessed as a shop, in accordance with the requirements of the relevant local planning scheme.

For shops, the operations of the return point need to be contained within the building, including any manual sorting, low-scale crushing and storage. Approval would be required to extend outside the approved operational boundaries of an existing building used as a shop.

To clarify the WAPC's position on *in shop / over-the-counter / bag drop* CDS return points, the definition of shop in the Regulations is to be taken to mean:

**.... premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services, and can include a container deposit scheme return point.**

It is intended that the additional words, as underlined above, will be incorporated into the Regulations as a model provision as part of the State planning reform process.

#### **Reverse vending machines**

Due to the variety of sizes and potential locations for reverse vending machine infrastructure, development applications may be required to consider any impact on existing land uses and amenity. This position statement seeks to outline where exemptions to this form of infrastructure may apply, for local governments to adopt.

The key matters for consideration, for reverse vending machines are:

- Impact on the amenity of adjoining residential uses, visual appearance, including hours of operation and timing of service vehicles attending the collection point.
- Car parking – is additional parking required to service the collection point? Will it impact the existing car parking requirements of the site?
- Accessibility – is it universally accessible? Will its location have an impact on pedestrian or vehicular circulation?
- Waste and recycling bins – adequate provision needs to be provided to dispose of goods that are not accepted by the reverse vending machine in a tidy manner.

- Signage – the size and the scale of signage or screens, including any lighting.

#### **Large-scale facilities**

For large-scale facilities in industrial areas, the normal considerations under Parts 7 and 8 of the Regulations apply. It is possible that existing large scale facilities that will accept containers arising from the CDS would be operating consistent with existing approvals. However, a development application would be required for new or upgraded facilities.

## 7. Exemptions for collection cages and reverse vending machines

Where collection cages and reverse vending machines are located appropriately, particularly in supermarket and shopping centre car parks, an exemption from requiring development approval could be considered.

Local governments are encouraged to adopt a local planning policy under the provisions of Schedule 2, Part 7, Clause 61(1)(i) and (2)(e) of the Regulations, so that any development in accordance with a local planning policy adopted under this provision is exempt from the requirement to obtain development approval.

A model local planning policy outlining these locational criteria is contained in **Appendix 1**. Reverse vending machine or collection cage proposals which vary the provisions outlined in an adopted local planning policy will remain subject to the requirement to obtain development approval.

## 8. Implementation

This position statement provides guidance to both proponents and decision-makers on the location and implementation of CDS infrastructure.

Proponents seeking to establish CDS infrastructure are encouraged to engage with the relevant local government early in the site identification process, to ensure that the site being considered is appropriate, as detailed in this position statement.

Decision-makers should assist proponents by providing guidance that a site is suitable for the development of CDS infrastructure, as part of the site selection process, before the return point network is finalised by the CDS Scheme Coordinator.

Local government should give consideration to exempt some CDS infrastructure from the need for development approval through the adoption of a local planning policy.

## Appendix 1

### Model Local Planning Policy

#### Purpose

To provide an exemption in accordance with Clause 61(1)(i) and (2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* from the requirement to obtain development approval for container deposit scheme infrastructure proposals which satisfy minimum development standards.

#### Objectives

- To ensure the location, design and siting of CDS infrastructure is complementary to the character, functionality and amenity of urban localities.
- To prevent negative impacts on local amenity from the operation of CDS infrastructure.

#### Definitions / abbreviations

<b><i>the Regulations</i></b>	means the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> prepared under the Planning and development Act 2005.
<b><i>the Noise Regulations</i></b>	means <i>Environmental Protection (Noise) Regulations 1997</i> (as amended) prepared under the <i>Environmental Protection Act 1986</i> .
<b><i>the Scheme</i></b>	means the City/Shire [DELETE AS APPLICABLE] of [INSERT NAME] Local Planning Scheme No. [INSERT NUMBER].
<b><i>Container deposit scheme infrastructure</i></b>	means a reverse vending machine or a container collection cage.
<b><i>Reverse vending machine</i></b>	means a permanently-located unattended device that accepts empty beverage containers.
<b><i>Container collection cage</i></b>	means a cage, or other structure, that is designed to store containers deposited at return points.

### Statutory provisions

Development approval will not be required for container deposit scheme infrastructure proposals that comply with the provisions of this policy, in accordance with Clause 61(1)(i) and (2)(e) of the deemed provisions of the scheme provided for by the Regulations.

Container deposit scheme infrastructure proposed to be erected on a temporary basis of not more than 48 hours are typically exempt from approval, as per the requirements of 61(1)(f) and (2)(d) of the deemed provisions provided in the Regulations and contained within the Scheme. As such, the policy provisions would not apply.

### Policy provisions

<b>1. Specified exemption</b>	
1.1	The development or operation of a reverse vending machine or a container collection cage is development for which development approval is not required where it complies with all the development standards outlined below, and takes place on land in:  (a) a commercial, light industry, general industry or service commercial zone; or  (b) a residential or rural zone where the land is lawfully used for the purposes of:  (i) a community facility; and/or  (ii) an educational establishment.
<b>2. Development standards</b>	
<i>General</i>	
2.1	Where the development of a reverse vending machine and/or container collection cage is proposed, the infrastructure must not alter the conditions or requirements of any development approval which applies to the land.
<i>Location</i>	
2.2	Where the development of a reverse vending machine and/or container collection cage is proposed, the infrastructure must not be erected within five (5) metres of an adjoining lot boundary that accommodates a residential use.

2.3	Where the development of a reverse vending machine and/or container collection cage is proposed, the infrastructure must not restrict any vehicular or pedestrian access to or from, or entry to any building on, the land on which the infrastructure is located.
2.4	Where the development of a reverse vending machine and/or container collection cage is proposed, the infrastructure must not obstruct the operation of, or access to, any utility services on the land on which the infrastructure is located or on adjacent land.
2.5	Where the development of a reverse vending machine and/or container collection cage is proposed, to preserve pedestrian and vehicular sightlines the infrastructure must not be erected within two (2) metres of any street or right of way.
2.6	Where the development of a container collection cage is proposed, the collection cage must be located in a car park or service area to be visually unobtrusive.
<b>Visual amenity</b>	
2.7	Where the development of a reverse vending machine and/or container collection cage is proposed outdoors, placement of the infrastructure must not result in the removal of any vegetation, landscaping or street tree.
2.8	Where the development of a reverse vending machine and/or container collection cage is proposed outdoors, the infrastructure must be constructed and clad with low-reflective, graffiti-resistant materials, which provide protection from the elements and are consistent in colour and finish to that of nearby existing buildings.
2.9	Where the development of a reverse vending machine and/or container collection cage is proposed outdoors, the infrastructure must not display any advertising signage other than promotional or brand signage approved under the operation of the container deposit scheme.
2.10	Where the development or operation of a reverse vending machine is proposed outdoors, and the infrastructure exceeds a development footprint of 10 square metres, bins for the removal of waste or recyclable materials not accepted by the infrastructure are to be provided at a rate of one (1) waste bin and 0.5 recycling bins per 10 square metres of development footprint.

<b><i>Operational amenity</i></b>	
2.11	Where the development or operation of a reverse vending machine is proposed in a residential or rural zone – the machine must operate only: (a) between 7.00 am and 11.00 pm on a Monday, Tuesday, Wednesday or Thursday, and (b) between 7.00 am and 12.00 am on a Friday or Saturday, and (c) between 8.00 am and 8.00 pm on a Sunday.
2.12	Where the development or operation of a reverse vending machine is proposed, the reverse vending machine when in operation must not emit noise at a level which exceeds any requirement(s) under the Noise Regulations.
2.13	Where the development or operation of a reverse vending machine and/or container collection cage is proposed, the infrastructure must be provided with lighting that complies with <i>AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements</i> (as amended).
<b><i>Development footprint</i></b>	
2.14	Where the development of a container collection cage is proposed outdoors – the cage must not: (a) have a development footprint of more than 15 square metres, and (b) be more than three (3) metres in height.
2.15	Where the development of a reverse vending machine is proposed outside an existing building, on land not used for car parking – the machine must not: (a) have a development footprint of more than 60 square metres, and (b) be more than three (3) metres in height, or have dimensions greater than 10 metres by six (6) metres.
2.16	Where the development of a reverse vending machine is proposed within an existing car park, the area occupied by the reverse vending machine must not exceed the greater of the following areas: (a) the area comprising four (4) car parking spaces, or (b) 60 square metres.

2.17	<p>Notwithstanding 2.1, where the development of a reverse vending machine is proposed within an existing car park, a variation to the car parking requirements under an existing development approval shall be supported in the following circumstances:</p> <ul style="list-style-type: none"><li>(a) the development approval provides more car parking bays than that which is required to service the existing land use(s) under the Scheme; and</li><li>(b) the variation seeks to reduce the number of car parking bays by no more than 10 per cent, to a maximum of 16 bays.</li></ul>
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### **Building Advice**

- (1) A Building Permit is required for any building or structure not listed by Schedule 4 of the Building Regulations 2012, which deals with building work for which a building permit is not required. Therefore, notwithstanding that Development Approval may not be required by the City/Shire [DELETE AS APPLICABLE] of [INSERT NAME], a building permit may be required to be sought and issued prior to container deposit scheme infrastructure being erected on site.